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PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/818,228	
	Filing Date	March 27, 2001	
	First Named Inventor	Kent L. Christopher	
	Art Unit	3761	
	Examiner Name	Mital B. Patel	
Total Number of Pages in This Submission	11	Attorney Docket Number	1246/39(a)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Fee Determination Record
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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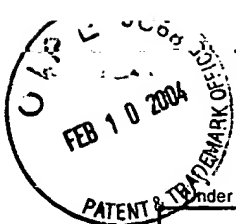
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas S. Birney, Esq. Dorr, Carson, Sloan, Birney & Kramer, P.C.
Signature	<i>Thomas S. Birney</i>
Date	February 10, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
		Express # ER 742903266 US	
Typed or printed name	Thomas S. Birney - 30,025		
Signature	<i>Thomas S. Birney</i>	Date	February 10, 2004

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PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 1246/39(a)			
Substitute for Form PTO-875									
<b>CLAIMS AS FILED – PART I</b>									
(Column 1)		(Column 2)		SMALL ENTITY		OR	OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA		RATE	FEE		RATE	FEE	
BASIC FEE (37 CFR 1.16(a))					\$			\$	
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =		*	X \$	=		X \$	=	
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =		*	X \$	=		X \$	=	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+	\$	=	+	\$	=
				TOTAL			TOTAL		
* If the difference in column 1 is less than zero, enter "0" in column 2.									
<b>CLAIMS AS AMENDED – PART II</b>									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR	OTHER THAN SMALL ENTITY
AMENDMENT D	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))	28	Minus	28	=	0		X \$	=	
Independent (37 CFR 1.16(b))	3	Minus	3	=	0		X \$	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+	\$	=	+	\$	=
				TOTAL ADD'L FEE	0		TOTAL ADD'L FEE		
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR	OTHER THAN SMALL ENTITY
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))		Minus		=			X \$	=	
Independent (37 CFR 1.16(b))		Minus		=			X \$	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+	\$	=	+	\$	=
				TOTAL ADD'L FEE			TOTAL ADD'L FEE		
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR	OTHER THAN SMALL ENTITY
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))		Minus		=			X \$	=	
Independent (37 CFR 1.16(b))		Minus		=			X \$	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+	\$	=	+	\$	=
				TOTAL ADD'L FEE			TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

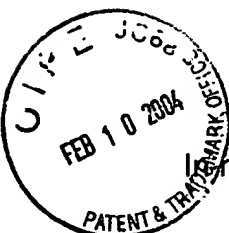
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of  
Kent L. Christopher

Serial No. 09/818,228

Filed: March 27, 2001

For: METHOD AND APPARATUS FOR  
PHARYNGEAL AUGMENTATION OF  
VENTILATION

Examiner Mital B. Patel  
Group Art Unit 3761

*Recommend  
for Entry 2/23/04*

*O.K.  
To  
Enter  
2/24/04  
a.k.*

**AMENDMENT AFTER FINAL REJECTION**

Applicant respectfully submits the following in response to the Office Action dated  
November 19, 2003: